

U.S. Keeps Index for Emergency Arrests

10,000 'Potential Subversives'

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Unknown to the general public or even to Congress, the federal government maintains a super-secret listing of so-called potential subversives — a file which would be the basis for federal arrests in the event of war or an "internal security emergency."

It is called the "Security Index," compiled and kept up-to-date by the Federal Bureau of Investigation, supervised by the Justice Department's Internal Security Division.

Though it has been in existence since at least the 1930s, the government does not admit it, even when Congress makes an inquiry. Both the FBI and the Justice Department refuse to concede even that there is something called the "Security Index," much less explain what it is.

The index is a closely held list of the names, addresses, jobs and phone numbers of thousands of Americans considered potentially dangerous as spies or saboteurs, if war or national insurrection developed. How many thousands is not known, but the list has been expanded in recent years as New Left radicals and militant black leaders were added to the rolls, joining the Old Left types from the Communist Party and Trotskyite organizations. A conservative guess based on public figures on subversives is that more than 10,000 people are kept under scrutiny as index subjects.

The little that is known about it comes from two sources — the FBI documents stolen three months ago from the Bureau's Media, Pa., office and interviews with a number of ex-FBI agents and former

Justice Department lawyers.

One memorandum in particular, dated Feb. 26, 1971, mentions the index by name — but without revealing its significance. It recounts the investigation of a University of Cali-

fornia student named Mary Jane L. whom an FBI informant in Washington, D.C., code-named WF 1577-S, described as "an inveterate Marxist revolutionist . . . far out."

See INDEX, A19, Col. 1

INDEX, From A1

After canvassing informants in Berkeley radical circles, a West Coast agent couldn't find anything to substantiate that, so he concluded his report:

"Due to lack of information and activities of subject, San Francisco is not submitting a summary report at this time. Subject is not being recommended for inclusion on the Security Index as it is felt additional investigation is acquired (sic) before this evaluation can be reached."

While it is not mentioned in any of the Media documents, several ex-agents said the bureau also maintains something called an "agitator," still another internal listing or perhaps a category within the Security Index.

Several other papers stolen at Media, copied and sent to newspapers conclude with recommendations to "index" several individuals associated with black militant organizations, but the references do not clearly identify the Security Index.

When asked about it, ex-FBI agents expressed some hesitation. The index, they said, is "a taboo subject" or "super-secret" or "super-skittish."

Four of them, however, said the "SI" designates the people who could be picked up and detained as potential saboteurs or spies if war conditions or a national insurrection posed an "internal security" threat. One agent called them the "potential fifth-column."

People to Grab

A lawyer who served in the Justice Department's Internal Security Division under a previous administration offered a similar definition: "When I was there, there weren't any bones about it, these were the people they would grab."

Several of the sources said it was their understanding as special agents that the index was authorized by Title II of the 1950 Internal Security Act which has provisions for a presidential declaration of an "internal security emergency" which would permit the Attorney General to detain people without trial "who probably will engage in or conspire with others to engage in acts of espionage or sabotage."

That section of law, called the Emergency Detention Act,

has spawned so many rumors of government "concentration camps" among urban black residents that the Justice Department has endorsed proposals to repeal it.

On Broader Authority

The Security Index, however, apparently is justified on broader legal authority and would not necessarily be affected if the 1950 law is erased. According to several sources, the index has been around at least since the 1930s and, indeed, was used as the basis for arresting some enemy aliens on executive warrants at the start of World War II. According to one former agent, the index was broadened in the postwar period based on a series of internal-security laws aimed at home-grown members of the Communist Party and associated leftwing groups.

Several sources emphasized their understanding that the index is not an automatic "arrest list," but would be evaluated depending on the nature of the national emergency, before any action would be ordered.

A few years back, government officials publicly scoffed

when black leaders began warning about "a pickup list" aimed at Negroes in urban riots. They denied the charge and dismissed it as political paranoia when people like Rap Brown and Stokely Carmichael accused the government of planning mass detentions.

The government denials were presumably accurate as far as they went—no detention camps exist; no plans for mass racial arrests. The government did not, however, reveal that the index would permit "selective" arrests of what one ex-agent described as "the key activists."

More recently, the Justice Department passed up another opportunity to disclose the existence of the index. Last year, the Senate Judiciary Subcommittee on Constitutional Rights asked all federal departments, including Justice, to report on all of the "law enforcement-oriented or intelligence-type files" which the agencies maintain on citizens. Justice responded with a long report on its various files—but failed to mention the Security Index.

Each Briefed

Former Attorney General Ramsey Clark, asked about it, said he did not remember anything called the Security Index. Other sources said, however, that each attorney general would be briefed on it when he took office.

Many questions are still unanswered about its scope and limitations, the rules of application. But some details have been learned.

The ex-FBI sources disagree among themselves about one of the most crucial questions—the degree of care applied in putting people on the index and in taking them off.

"I felt the number was great enough," said one former agent, "that it bothered me, because the bureau has a tendency never to purge its records."

Another expressed a similar concern: "It's a lot easier to get someone on than it is to get them off."

Dropped If Harmless

Several others disputed that, however. They felt from their own experience that the bureau is careful in applying the designation and, if an individual proves to be harmless by the FBI standards, he is promptly dropped.

One former FBI man, who is no admirer of the bureau's leaders, still spoke highly of procedures surrounding the index: "I think they're doing a good job. A lot are eliminated by the first look. A lot of them don't make the Security Index."

There is very little known, of course, about what standards the FBI uses to decide who is a potential subversive and who isn't. The bureau declines to make any of its policy guidelines available for public inspection.

To put someone on the index, a special agent at a field office must fill out a special form, accompanied by an investigative memorandum, detailing his justification. According to the ex-agents, the index has three classifications, I, II, and III, based in descending order on how dangerous the individual is considered.

"Number One is for the real baddies," said one ex-agent who doesn't think much of the whole system.

Screened at Bureau

The agent's recommendations are first screened at Bureau headquarters in Washing-

ton. But the FBI, according to several sources, does not have the final determination as to who gets on the list. The bureau's recommendation is forwarded to the Internal Security Division of the Justice Department where lawyers — some of whom are ex-FBI agents — make the final judgment.

According to one lawyer who used to work there, but who never was privileged to look at the index, the names used to be recorded in a big green book, which was closely guarded, even within the Internal Security Division. Whether they still use a big green book is not known.

Once a person is part of the index, his case is rechecked on a regular basis, perhaps

several times a year if he is considered especially dangerous. The agents said this is done both to make certain his address is correct, in the event that a national emergency occurs, and also to revalidate the original justification for including him.

One former agent, who regards the index as a prudent operation of government, described how he "worked" a Black Muslim on the Security Index for six months, then recommended that he be dropped from the listing.

"He had a job, he was a pretty straight guy," the ex-agent said. "He was a Muslim, but that's no crime, so he was dropped."

Several other sources didn't feel that it works that

way. They recounted names kept on the index for past political activities or associations which they regarded as pointless. "If the Soviet Union attacked tomorrow," said one ex-agent, "I think there would be an awful lot of Americans embarrassed."

Number Not Disclosed

Like all of the other questions, the FBI declined to reveal how many people are on the index. The estimates made by former agents varied considerably and, as they said, were only guesses.

One possible benchmark can be drawn from the 1950 debate over the Internal Security Act and its never-invoked detention provisions.

FBI Director J. Edgar Hoover reported to the bill's spon-

sors that there were 12,000 "inner hard core" Communist Party members who would be most dangerous in terms of potential sabotage or spying. That number presumably has dwindled somewhat over the years as Old Left leadership died off. On the other hand, the index has received new members in recent years from the New Left activists and black militants.

Civil libertarians would argue that the mere existence of such a list damages constitutional rights since it implies that an individual can be jailed merely on an investigator's suspicion and the circumstances of war, rather than for any personal criminal actions. The 1950 law, for instance, provides only for a hearing be-

fore an examiner appointed by the Attorney General — who may withhold evidence if he regards it as sensitive to national security.

Self-Preservation Right

The classic argument in defense of a secret file of dangerous people is that a government has a right to self-preservation. According to this viewpoint, the government has to keep track of such people, either aliens or citizens, and may have to detain them without trial, if the circumstances of war or national emergency are severe enough.

For instance, in the congressional debate over repeal of the 1950 detention act, the law's defenders contend that it provides the machinery for selectivity in detaining danger-

ous people — thus avoiding the kind of sweeping racial arrests which victimized loyal Japanese-Americans at the start of World War II. The measure, they add, was originally sponsored by Senate liberals such as Paul Douglas, Herbert Lehman, Estes Kefauver, and Hubert Humphrey.

While this rationale may be small comfort to someone whose name is on the list, the President could declare an "internal security emergency" only if Congress declared war, the nation were invaded or an insurrection developed "in aid of a foreign enemy," a never-invoked power.

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